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10/583,990	06/22/2006	Naoki Tomoguchi	062622	7351

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EXAMINER

HON, SOW FUN

ART UNIT

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1794

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

## Application No.

10/583,990

## Applicant(s)

TOMOGUCHI ET AL.

## Examiner

SOPHIE HON

## Art Unit

1794

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) 5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/55/08)  
Paper No(s)/Mail Date 6/06
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-4, 6-9, is drawn to an adhesive.

Group II, claim(s) 5, is drawn to a method of using the adhesive.

2. The inventions listed as Groups I-II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons. The common technical feature, the adhesive, is anticipated by US 2005/0195348, and is therefore not unobvious and hence not special.

3. During a telephone conversation with Nicolas Seckel on March 6, 2008, a provisional election was made without traverse to prosecute the invention of Group I, claims 1-4, 6-9. Affirmation of this election must be made by applicant in replying to this Office action. Claim 5 is withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the

application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

### ***Claim Objections***

5. Claims 1-4, 6-9 are objected to because of the following informalities.
  - a. Claim 1 recites “is” next to “are”. Appropriate correction is required.
  - b. Claims 6-9 are objected to for depending on claim 5 which is a withdrawn method claim, which in turn depends on claim 1. It is recommended that claims 6-9 be rewritten in independent form or modified to depend directly on claim 1.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-4, 6, 8-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Saiki (US 2002/0075428), as evidenced by Kemira (Nitric Acid 98 - 99% Health & Safety Data Sheet).

Regarding claims 1-4, Saiki teaches an adhesive containing a polyvinyl alcohol-based resin having an acetoacetyl group and a crosslinking agent which has to be water soluble ([0035]) since the adhesive is an aqueous solution ([0042]), wherein the nitric acid ([0035]), and hence the aqueous solution in which it is dissolved, has a pH that is within the range of 4.3 or less, or from 2.2 to 4.3, as evidenced by Kemira.

Kemira teaches that nitric acid has a pH of less than 1 (9. Physical and Chemical Properties).

Saiki teaches that the adhesive is used for forming an adhesive layer (layer of adhesive made of a vinyl alcohol-based polymer, [0031]) in a polarizing plate in which a polarizer and a transparent protective film are adhering with each other via the adhesive layer, wherein the polarizer is a polyvinyl alcohol-based polarizer (polarizing film, [0031]). It is noted that these features are intended use ones, and thus not positively recited.

Regarding claim 6, Saiki teaches a polarizing plate comprising a polarizer and a transparent protective film which is provided on at least one surface of the polarizer via the adhesive layer (adhered to one side or both sides, [0031]) described above.

Regarding claim 8, Saiki teaches an optical film comprising at least one polarizing plate (polarizer used as an optical member that is laminated onto another optical layer, [0043]), wherein the polarizing plate is the one described above.

Regarding claim 9, Saiki teaches an image display comprising the polarizing plate described above (liquid crystal display, [0065]).

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saiki as applied to claims 1-4, 6, 8-9 above, and further in view of Sugino (US 2003/0137732).

Saiki teaches the polyvinyl alcohol-based adhesive layer for polarizing plates described above. Saiki is silent regarding the thickness of the adhesive layer.

However, Sugino teaches that a polyvinyl alcohol-based adhesive layer for a polarizing plate (polarizer can be bonded to the transparent protective layer, PVA-based adhesive, [0076], polarizing plate, [0077]), more preferably has a thickness from 20 nm to 100 nm ([0076]), which is within the claimed range of from 30 to 300 nm, for the purpose of providing the desired balance of adhesion and minimal optical interference.

Therefore, since Saiki is silent regarding the thickness of the adhesive layer, it would have been necessary and hence obvious to have looked to the prior art for suitable values. As such, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to have provided the polyvinyl alcohol-based adhesive layer adhering the polarizer and transparent protective film of Saiki, with a thickness that is within the range of from 30 to 300 nm taught by Sugino, in order to obtain the desired balance of adhesion and minimal optical interference.

Any inquiry concerning this communication should be directed to Sow-Fun Hon whose telephone number (571)272-1492. The examiner can normally be reached Monday to Friday from 10:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris, can be reached on (571)272-1478. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*/Sophie Hon/*

Sow-Fun Hon

*/Terrel Morris/*  
Supervisory Patent Examiner  
Group Art Unit 1794